

REMARKS

Prior claims 1-67 have been canceled and new claims 68-85 are presented herein. Claims 68 and 78 are independent.

The applicant's independent claims relate to a tooth illuminating apparatus that enables a light source to be accurately positioned relative to the labial surfaces of a subject's teeth. This is done using a mouthpiece with the light source and a positioner with a bite device that the subject holds between his or her teeth. The mouthpiece includes a mouthpiece index that is disposed at a predetermined position relative to the light source, and the positioner includes a locator that is disposed at a predetermined position relative to the bite device. When the apparatus is in use, the locator of the positioner contacts the index of the mouthpiece, to accurately position the light source in a predetermined spatial relationship to the subject's teeth.

This arrangement is particularly advantageous when used in tooth whitening procedures described in the present specification. That procedure uses actinic light to activate photosensitive compositions applied to the subject's teeth, and irradiation of the compositions in a controlled manner is important to the efficacy of these procedures. This aspect of the invention is reflected particularly in dependent claims 72 and 81. Other aspects of the invention relating to this use are recited in dependent claims 71, 73, 74, 80, 82 and 83.

The new claims are supported by the disclosure at pages 22-26, and Figs. 6 and 7, of the present application. (See in particular Fig. 6 and page 26, lines 15-18.)

The previous claims were rejected over a variety of references. All of the references applied to the claims have been reviewed and none have been found to disclose or suggest an illuminating apparatus with a positioner, held between a subject's teeth, that contacts a mouthpiece having a light source, to accurately position the light source relative to the labial surfaces of the subject's teeth.

Accordingly, the applicants believe that claims 68-85 are patentable over the reference applied in the Office Action of December 22, 2003.

Reconsideration and allowance of the present application, with new claims 68-85, is therefore respectfully requested.

Any fees due on account of this Amendment may be charged to Deposit Account No. 50-0409.

All correspondence should continue be sent to the address shown below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David M. Quinlan", with a long horizontal flourish extending to the right.

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